



**GEORGIA GOVERNMENT TRANSPARENCY &
CAMPAIGN FINANCE COMMISSION**

Memorandum

TO: David Emadi
Executive Secretary

FROM: Rachel Goldberg
Staff Attorney

DATE: June 16, 2021

RE: RECOMMENDATION FOR ADMINISTRATIVE DISMISSAL
In the Matter of Sharif Fulcher
Case Number: 20-0044-C

On or about July 09, 2020 the Georgia Government Transparency and Campaign Finance Commission ("Commission") received a third-party complaint filed by Tolbert Morris ("Complainant") alleging that Sharif Fulcher ("Respondent") violated the Campaign Finance Act ("Act") by accepting donations prior to filing his Declaration of Intent to Accept Campaign Contributions ("DOI") in violation of O.C.G.A § 21-5-30(g) and by failing to report campaign contributions on his Campaign Contribution Disclosure Reports ("CCDR") in violation of O.C.G.A § 21-5-34.¹ Service was attempted on Respondent on or about July 15, 2020 via USPS and service was effectuated on or about May 19, 2021.²

Complainant alleges that Respondent filed his DOI on March 6, 2020 and accepted a total of \$650.00 in campaign contributions on March 5, 2020 in violation of O.C.G.A § 21-5-30(g). Respondent's filings show that he filed two DOI's, one on March 6, 2020 and one on May 20, 2020. Respondent explained that he filed a second DOI in an effort to amend his March 6, 2020 filing. For clarity, the Commission relies on Respondent's March 6, 2020 DOI filing in assessing any violations. On Respondent's original April 30, 2020 CCDR he reported receiving two donations on March 5, 2020, one donation in the amount of \$150 and one donation in the amount of \$500. Respondent later amended his April 30, 2020 CCDR to show receipt of these donations on March 6, 2020. Respondent's explanation for this amendment was that he mistakenly reported

¹ Respondent asserts additional allegations some of which advance concerns regarding Mr. Fulcher's place of residency as it relates to his eligibility to run for Rockdale County Superior Court Clerk. The Commission does not address Complainant's additional allegations because they fail to allege violations of the Act.

² Respondent's address on record with the Commission changed during the course of his candidacy and confirmation of Respondent's receipt of the complaint was not obtained until April 2021.



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the date wrong when he originally reported these contributions. Respondent responded to the complaint on June 3, 2021 and provided evidence supporting his defense that he actually received these donations on March 6, 2020. Based on this evidence the Commission finds that O.C.G.A § 21-5-30(g) was not violated.

In addressing Complainant's second allegation that Respondent failed to report payment of his qualifying fee, the Commission finds that Respondent personally paid the qualifying fee. Pursuant to O.C.G.A § 21-5-37(7), where a qualifying fee is paid personally by a candidate the payment does not constitute a contribution or expenditure and is not required to be reported. *See also* A.O. 2017-03 (payment of qualifying fee is only considered a contribution if it is paid by someone other than the candidate).

Since no violations of the Act occurred, there is no basis to basis to proceed. Based upon the forgoing analysis, this complaint should be administratively dismissed pursuant to Ga. Comp. R. & Regs. 189-2-.03(5).

I, David Emadi Executive Secretary of the Georgia Government Transparency and Campaign Finance Commission, agree with the above analysis to administratively dismiss this complaint. Thus, the above-referenced complaint shall stand dismissed.



David Emadi, Executive Secretary



Date